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§6-80-61 Number portability. (a) As soon as technically feasible and economically reasonable, the commission, on its own motion or on the petition of any telecommunications carrier, shall institute a proceeding for the deployment of number portability. The commission shall hold a hearing to determine the terms and conditions of the deployment.

(b) Telecommunications carriers shall:

- (1) Make necessary modifications to their facilities, networks, and equipment to allow for portability of telephone numbers between and among telecommunications carriers; and
- (2) Cooperate and use their best efforts to design, develop, and deploy the facilities, database, and associated connections necessary to support number portability.

(c) The costs associated with the design, development, and deployment of the facilities, database, and associated connections shall be recovered on a cost-based basis from all telecommunications carriers accessing or utilizing number portability, including the incumbent carrier. The commission shall determine the contributions to be made by each carrier.

(d) Once the telephone number portability database is developed and deployed, an independent third-party administrator designated by the commission shall administer the database and control the assignment of telephone numbers. The administrator shall use the administrator's best efforts to make telephone numbers available to telecommunications carriers on an equitable basis.

(e) The costs of maintaining and administering the database shall be recovered from all telecommunications carriers accessing or utilizing the database, including the incumbent carrier, on such equitable basis as the commission may determine.

[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §251)

§6-80-62 Customer access to number portability.

(a) When and where number portability is deployed, every customer, upon request, is entitled to number portability.

(b) As between carriers, the carrier receiving a new customer who desires to retain the customer's telephone number shall bear the costs associated with number portability. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §251)

§6-80-63 Directory assistance and directory publication. (a) On the effective date of this chapter and until ordered otherwise by the commission, the incumbent telecommunications carrier shall, for the entire State and for all telecommunications providers doing business in the State:

- (1) Administer and maintain a central file of customer list information for purposes of directory listing and directory assistance;
- (2) Provide directory assistance services; and
- (3) Publish and distribute to customers of all telecommunications carriers the local white and yellow page telephone directories at no charge to the customers.

(b) Every non-incumbent telecommunications carrier shall provide the incumbent carrier with customer list information of its customers to be included in the central customer list information file and shall promptly notify the incumbent carrier of any additions, changes, or modifications to its list information. The incumbent carrier shall promptly update the central file upon the receipt of any such additions, changes, or modifications.

(c) For purposes of subsection (a), the incumbent carrier may establish and file with the commission cost-based tariffs to be charged all telecommunications carriers, including the incumbent carrier, for listing in and maintenance of the central customer list information file, providing directory

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assistance service, and publishing and distributing the telephone directories.

(d) The incumbent telecommunications carrier shall make listings in the yellow pages available to customers of non-incumbent telecommunications carriers at the same rates and on the same terms and conditions as those offered to the incumbent carrier's own customers.

(e) This section does not preclude a non-incumbent telecommunications carrier or any other person from providing directory assistance or from publishing and distributing its own telephone directory; provided that any customer agreements with respect to privacy, including personally identifiable customer information, are respected and adhered to by all persons. All telecommunications carriers, including the incumbent carrier, shall provide customer list information gathered in their capacity as providers of telecommunications service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any telecommunications carrier or person upon request for the purpose of providing directory assistance or publishing telephone directories in any format.

(f) As appropriate, telecommunications carriers providing customer list information shall indicate whether a particular listing is only for directory listing or only for directory assistance.

[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §222)

§6-80-64 Directories. (a) A telephone directory must:

- (1) Be designed and directory listings must be arranged so that customer numbers can be obtained readily;
- (2) Not list non-listed or non-published telephone numbers;
- (3) State on the front cover the name of the telecommunications carrier issuing the

- directory, the area covered by the directory, and the month and year of issue;
- (4) Display in the beginning of the directory, preceding the customer listings:
- (A) Information about emergency calls to agencies such as the police and fire departments;
 - (B) Instructions, for all telecommunications carriers whose customers' numbers are listed in the directory, on placing repair service calls, information calls, directory assistance calls, intrastate calls, and calls to interexchange carriers;
 - (C) Information, for all telecommunications carriers whose customers' numbers are listed in the directory, about billing, nuisance call procedures, and emergency call procedures, and a list of locations where the carriers' tariffs are available for public inspection;
 - (D) Information on Caller ID and its related services, including information on:
 - (i) How Caller ID may be blocked on a per call or per line basis; and
 - (ii) The telephone number to dial for verification that the customer's request for per line blocking has been effectuated; and
 - (E) A notice that the commission regulates the carriers whose customers' numbers are listed in the directory and that any customer that has first contacted the customer's carrier concerning a problem and is not satisfied by the corrective action taken may contact the commission. The notice shall also include the name, address, and telephone number of the commission.
- (b) Every customer of all telecommunications carriers whose customers' numbers are listed in the

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directory is entitled to receive up to one copy of the appropriate directory for each telephone line at no charge. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-65 Directory errors. (a) Except for non-published telephone numbers, if the name or telephone number of a customer is incorrectly listed in or omitted from the alphabetical or classified directory, the telecommunications carrier responsible for the completion of calls to the customer's number shall intercept the calls to the published number when the intended number is not already in service and the published number has been established for service.

(b) The customer's correct name and telephone number shall be placed in the files of the directory assistance and intercept operators, and the correct number furnished on request or interception. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-66 Number changes. (a) When a customer's telephone number is changed after a directory is published, the responsible telecommunications carrier shall, unless the customer directs otherwise, intercept all calls to the former number as specified in §6-80-67.

(b) When the telephone number of a customer or group of customers is changed because of plant additions, plant changes, or changes to other carrier operations, the responsible telecommunications carrier shall give reasonable notice to all affected customers even though the change may occur at the same time a new directory is issued. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-67 Intercept service. (a) The intercept service prescribed in §§6-80-65 and 6-80-66 shall be provided through either a live operator or a suitable recorded announcement. On an intercept, the responsible telecommunications carrier shall provide sufficient information to the caller to indicate the reason the call is being intercepted and provide directions to assist the caller in completing the call. The carrier shall provide intercept service for the following minimum periods:

- (1) For a customer-initiated residential service number change, sixty days or until the distribution date of the next directory, whichever is sooner;
- (2) For a customer-initiated business service number change, one hundred eighty days or until the distribution date of the next directory, whichever is sooner;
- (3) For a carrier-initiated number change, one year or until the distribution date of the next directory, whichever is shorter; and
- (4) For a directory error or omission described in §6-80-65, until the distribution date of the next directory. All calls to the erroneous number shall be intercepted within seventy-two hours of the time the carrier becomes aware of the error or omission.

(b) A telecommunications carrier shall update intercept records within twenty-four hours of a number change. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§§6-80-68 to 72 (Reserved)

SUBCHAPTER 7

POLES, DUCTS, CONDUITS, AND RIGHTS-OF-WAY

§6-80-73 "Utility" defined. As used in this subchapter, "utility" means a public utility as defined in §269-1, HRS, that owns or controls poles, ducts, conduits, or rights-of-way used or usable, in whole or in part, for telecommunications services. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §224)

§6-80-74 Poles, ducts, conduits, and rights-of-way. (a) Upon a bona fide request, a utility shall provide to telecommunications carriers nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the utility, provided that:

- (1) Such access is technically feasible, physically and legally possible, and economically reasonable;
- (2) Safety of the general public is not put at risk; and
- (3) The availability and reliability of existing utility services to the general public are not compromised.

(b) The costs and expenses incurred by the utility of whom a request is made for access to poles, ducts, conduits, or rights-of-way, and the costs and expenses incurred by any other person who has an interest in the poles, ducts, conduits, or rights-of-way and is affected by the request for access, including the State and county governments, in analyzing and evaluating the technical feasibility, physical and legal possibility, and economic reasonableness of the request, are subject to agreement by all affected parties. If the parties are unable to reach agreement within thirty days of

the bona fide request for access, the telecommunications carrier requesting access shall inform the commission in writing of the impasse. Following notification, the commission may:

- (1) Resolve the issues in dispute; or
 - (2) Direct the parties to resume negotiations;
or
 - (3) Take any other action it deems appropriate.
- [Eff _____] (Auth: HRS §§269-6,
269-34 to 43) (Imp: HRS §§269-34 to 43,
47 U.S.C. §224, 251, 252, 253)

\$6-80-75 Negotiation. (a) The prices, terms, and conditions for access to poles, ducts, conduits, and rights-of-ways are subject to negotiation. The parties to the negotiation are the carrier requesting access and the requested utility. They may also include any other person who has an interest in the poles, ducts, conduits, and rights-of-ways and is affected by the request for access. If any pole, duct, conduit, or right-of-way is owned or controlled jointly by two or more parties through a joint pole committee, the joint pole committee's participation as a party to the negotiation is at the joint pole committee's option; provided that any agreement reached on access to any pole, duct, conduit, or right-of-way owned or controlled jointly by two or more parties through the joint pole committee is subject to approval by the joint pole committee. The parties shall negotiate in good faith and use their best efforts to reach agreement.

(b) The commission may authorize access to utility poles as provided in any joint pole agreement, tariffs, rules, orders, or FCC regulations.
[Eff _____] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §224, 251, 252, 253)

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§6-80-76 Price, terms, and conditions. (a) The price, terms, and conditions for access to poles, ducts, conduits, and rights-of-way must be just, reasonable, and nondiscriminatory.

(b) A utility shall apportion the cost of providing space on a pole, duct, conduit, or right-of-way, other than a usable space, among the entities accessing the pole, duct, conduit, or right-of-way. The apportionment shall equal two-thirds of the cost of providing space other than the usable space, and shall be allocated equally among all attaching entities.

(c) A utility shall apportion the cost of providing usable space among all entities accessing the pole, duct, conduit, or right-of-way according to the percentage of usable space required by each entity. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §224, 251, 252, 253)

§6-80-77 Mediation and arbitration. (a) Any party negotiating an agreement for access to a pole, duct, conduit, or right-of-way may, at any point in the negotiation, petition the commission in writing for the commission to participate in the negotiation and mediate any differences arising in the course of negotiation. In that event, the provisions of §6-80-52 will apply.

(b) During the period from the one hundred thirty-fifth to the one hundred sixtieth day (inclusive) following the date upon which a utility receives a bona fide request for access to a pole, duct, conduit, or right-of-way, the utility or any other party to the negotiation may petition the commission in writing for the commission to arbitrate any unresolved issues. In that event, the provisions of §6-80-53 will apply. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §224, 251, 252, 253)

§6-80-78 Approval of agreement by the commission. (a) All agreements concerning access to poles, ducts, conduits, and rights-of-way adopted by negotiation or arbitration, including any agreement negotiated and adopted before the effective date of this chapter, must be submitted to the commission for review and approval. Upon the submission of an agreement to the commission for review and approval, a copy of the agreement shall be served on the consumer advocate.

(b) The commission shall approve or reject the agreement, with written findings as to any deficiencies. The commission may only reject:

(1) An agreement, or any portion of the agreement, adopted by negotiation if it finds that:

(A) The agreement, or any portion of the agreement, discriminates against a telecommunications carrier not a party to the agreement; or

(B) The implementation of the agreement, or any portion of the agreement, is not consistent with the public interest, convenience, and necessity; or

(2) An agreement, or any portion of the agreement, adopted by arbitration if it finds that the agreement, or any portion of the agreement, does not meet the requirements of:

(A) 47 U.S.C. §§224 and 251;

(B) FCC regulations implementing 47 U.S.C. §§224 and 251; or

(C) The applicable provisions of this chapter.

(c) The commission shall approve or reject the agreement within ninety days after submission by a party of an agreement adopted voluntarily by negotiation, or within thirty days after submission by a party of an agreement adopted by arbitration. If the commission fails to act within the prescribed time period, the agreement is deemed approved.

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(d) Each approved agreement will be available for public inspection and photocopying within ten days after the agreement is approved by the commission. The commission may charge a reasonable and nondiscriminatory fee to the parties to the agreement to cover the costs of approving and filing the agreement. The commission may also assess a reasonable photocopying fee.

(e) All modifications, revisions, or amendments to any agreement concerning access to a pole, duct, conduit, or right-of-way are subject to commission review and approval, as provided in this section. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §224, 251, 252, 253)

§6-80-79 Tariff. If there are multiple requests for access to a pole, duct, conduit, or right-of-way under the ownership or control of a telecommunications carrier, or if the commission otherwise deems it reasonable and practicable, the commission may require the carrier to file a cost-based tariff with the commission for access to the pole, duct, conduit, or right-of-way. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §224, 251, 252, 253)

§6-80-80 Attachment modification. (a) Whenever the owner of a pole, duct, conduit, or right-of-way intends to modify or alter the pole, duct, conduit, or right-of-way, the owner shall provide written notification of such action to any entity that has obtained access to the pole, duct, conduit, or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification

shall bear a proportionate share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible.

(b) An entity that obtains access to a pole, duct, conduit, or right-of-way is not required to bear any of the costs of rearranging or replacing its attachment, if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity, including the owner of such pole, duct, conduit, or right-of-way. [Eff]
(Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §§224, 251, 252, 253)

§§6-80-81 to 85 (Reserved)

SUBCHAPTER 8

STANDARDS FOR TELECOMMUNICATIONS SERVICE

§6-80-86 Standards for telecommunications service - sources. (a) Telecommunications carriers shall abide by and adhere to:

- (1) The standards set forth in this subchapter;
 - (2) The standards set forth in part VII of the commission's general order number 8, dated December 20, 1972, as amended, to the extent applicable and not inconsistent with this chapter;
 - (3) Any other standards or rules that the commission may establish or adopt from time to time governing telecommunications services; and
 - (4) Any applicable federal standards.
- (b) Any waiver or exemption from the standards referred to in subsection (a) is subject to

subchapter 12. The burden is on the telecommunications carrier seeking the waiver or exemption to prove that the waiver or exemption is in the public interest.

(c) Where a telecommunications carrier supplied service to a customer before the effective date of this subchapter under conditions more favorable or advantageous to the customer than the minimum levels of service provided in this subchapter, whether as to contracted quality or character of service, the carrier shall not reduce the level of service without the prior approval of the commission.

(d) The commission may, by rule or order, add to the standards set forth in this subchapter.

[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-87 Operating standards for telecommunications service - general. A telecommunications carrier shall:

- (1) Provide telecommunications services on a non-discriminatory basis to all customers similarly situated or within a reasonably constituted class, according to any applicable commission standards or any tariffs on file with the commission;
- (2) Employ prudent management and engineering practices that ensure the availability of sufficient facilities and personnel to achieve the standards of service quality required by prudent telecommunications industry practice, and this chapter;
- (3) Provide telecommunications service in its service exchange twenty-four hours a day. The carrier shall provide sufficient equipment and operating capabilities at all times, including during the average busy hour and average busy season. As used in this paragraph, "busy hour" means the hour

each day during which the greatest volume of traffic is handled in the central office, and "busy season" means the consecutive thirty-day period of the year during which the greatest volume of traffic is handled in the central office;

- (4) Design, construct, install, operate, and maintain its plants, facilities, and equipment in a manner consistent with prudent and generally accepted telecommunications industry practices and standards, except as modified by the commission;
- (5) Keep all meters and recording devices used to record data and prepare customers' bills and the controlling channel equipment associated with such meters and recording devices in good operating condition, and periodically inspect and test the equipment to ensure proper functioning;
- (6) Make reasonable provision for emergencies resulting from power failures, unusual and prolonged increases in telecommunications traffic, or lack of personnel and from fire, storm, hurricane, or other acts of God;
- (7) Adopt and adhere to a maintenance program to ensure safe, adequate, and reliable service at all times;
- (8) Adopt and maintain customer response procedures and standards;
- (9) Adopt and maintain service reliability procedures and standards;
- (10) Maintain sufficient records of its operations, and make such records available to the commission and the consumer advocate at any time upon request;
- (11) Maintain current and accurate records of its customers;
- (12) Adopt and maintain a suitable safety program;
- (13) Adopt and maintain measures that ensure that a customer's choice of carriers or services

- will not be changed or modified without the customer's authorization, including a stand-alone form for written authorizations;
- (14) As soon as practical, notify its customers in writing of any changes in price, scope, or quality of service;
 - (15) Adopt and maintain standards and procedures for respecting and safeguarding personally identifiable customer information, equipment, and records;
 - (16) Maintain on file in each of its instate business offices its complete tariffs and exchange maps and make them available for public inspection during regular business hours;
 - (17) Permit all carriers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays; and
 - (18) To the extent readily achievable, ensure that telecommunications service is accessible to and usable by individuals with disabilities, as that term is defined by §3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. §12102(2)(A)).
[Eff _____] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43, 47 U.S.C. §§251, 255)

§6-80-88 Records. (a) A telecommunications carrier shall make its records, books, accounts, and other documents available to the commission and the consumer advocate at any time upon request.

(b) Unless otherwise specified by the commission, a telecommunications carrier shall preserve the records required to be kept and maintained for the period of time specified in the current edition of the FCC's records retention

schedule. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-8, 269-8.2, 269-34 to 43)

§6-80-89 Exchange area maps. (a) Each telecommunications carrier shall file with the commission a description of its exchange service area. The description must clearly delineate the boundaries of the territory within which a service is provided. As appropriate, the carrier shall attach to the description a map of the service territory.

(b) A telecommunications carrier receiving State or federal universal service fund subsidy for providing basic service in a high cost area, and a carrier providing noncompetitive service, shall file with the commission an exchange area map for each of its exchanges that clearly show the boundary lines of the exchange area. The maps must conform to the following:

- (1) The boundary lines of each exchange area must either follow easily recognizable geographic features, such as waterways and existing roads, or be drawn by references to specific, recognizable reference points; and
- (2) Contain the same detail as county highway maps, including the location of highways, section lines, geographic town and range lines, and waterways. Map scale and other details must be shown, as required by the commission.

The carrier shall annually review each exchange area boundary map and update it, if necessary. With every revised map or description, the carrier shall indicate, where applicable, the boundaries of all existing or proposed central offices used for billing purposes. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-8, 269-34 to 43)

§6-80-90 Capital improvements. (a) By January 1 of each year, a telecommunications carrier receiving State or federal universal service fund subsidy for providing basic service in a high cost area, and a carrier providing noncompetitive service, shall file with the commission a capital improvements budget that projects expenditures for capital improvements during the ensuing five years. The budget must include details about the carrier's contemplated first year expenditures.

(b) A telecommunications carrier receiving State or federal universal service fund subsidy for providing basic service in a high cost area, and a carrier providing noncompetitive service, shall submit to the commission for review proposed capital expenditures for any single project related to plant replacement, expansion, or modernization, that is estimated to exceed \$500,000. The carrier shall submit the proposed expenditures for review at least sixty days before the commencement of construction or commitment for expenditure, whichever is earlier. The commission may:

- (1) Approve the whole or any portion of the proposed project, in which event the project or the portion approved may be included by the carrier in its rate base; or
- (2) After a hearing, reject the whole or any portion of the proposed project, if it determines that the project or a portion of it is not necessary or is unreasonably in excess of probable future requirements for basic exchange or noncompetitive service, in which event the carrier may not include the project or the rejected portion of the project in its rate base. The commission may subsequently allow the inclusion of the project or the rejected portion in the carrier's rate base upon a showing by the carrier that the project or the rejected portion has become necessary or useful in providing basic exchange or noncompetitive service.

If the commission does not act upon the proposed expenditure within ninety days of its submission for review, the carrier may include the project in its rate base without any determination by the commission. The carrier shall submit data concerning the proposed project in such form and detail as the commission may prescribe. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-8, 269-16, 269-34 to 43)

§6-80-91 Annual financial reports. (a) A telecommunications carrier chartered, certified, or registered to provide telecommunications services in the State shall file an annual financial report with the commission by March 31 for the preceding calendar year. The financial report must:

- (1) Be prepared in a manner that separately reflects the carrier's intrastate-based operations, as if the carrier operated solely in intrastate business; and
- (2) Include a certification that the report conforms with generally accepted accounting principles.

(b) The financial report must include the following:

- (1) A statement of operations reflecting intrastate revenues by services and intrastate expenses by accounts; and
- (2) A balance sheet reflecting the carrier's intrastate operations.

(c) A telecommunications carrier receiving State or federal universal service fund subsidy for providing basic service in a high cost area, and a carrier providing noncompetitive service, shall also file annually by March 31 the following schedules:

- (1) A schedule to support direct and indirect charges from and to the carrier's affiliates;

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(2) A schedule reflecting:

- (A) The equipment used by the carrier in its intrastate operation;
- (B) The original cost of each piece of equipment; and
- (C) The accumulated depreciation of each piece of equipment.

(d) The required financial reports shall be submitted on forms prescribed by the commission. The carrier shall serve a copy of the reports on the consumer advocate. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-8, 269-8.5, 269-34 to 43)

§6-80-92 Other reports. (a) A telecommunications carrier shall annually file the following statistical data by March 31 for the preceding calendar year:

- (1) Number of intrastate customers, by telecommunications service; and
- (2) Number of intrastate calls, by telecommunications service, originating and terminating in the State.

The data required under this subsection may be filed on a confidential basis with the commission, consistent with §6-80-9.

(b) On a quarterly basis, as specified by the commission, a telecommunications carrier shall file a tabulation of complaints and information on the resolution of complaints, classified by subject area. The tabulation, filed with the commission, shall be available for public inspection, except where the customer has requested confidentiality.

(c) A telecommunications carrier shall furnish to the commission, at such times and in such form as the commission may prescribe, the results of any service-related tests, summaries, or records in its possession. The carrier shall also furnish the commission any information concerning the carrier's facilities or operations that may be requested.

(d) A telecommunications carrier shall promptly report to the commission any specific occurrence or development that disrupts service to twenty-five per cent or two thousand of its customers, whichever is less, for a period in excess of one hour or which may impair the carrier's ability to furnish service to a substantial number of its customers.

(e) A telecommunications carrier shall file with the commission within seven days a report of any major accident in connection with the operation of the carrier's facilities. It shall promptly notify the commission by telephone of any fatal accident.

(f) A telecommunications carrier shall serve a copy of the reports described in this section on the consumer advocate. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-8, 269-9, 269-34 to 43)

§6-80-93 Standards for service quality.

(a) Every telecommunications carrier shall, through tariffs filed with the commission, establish service quality standards. Sections 6-80-94 to 6-80-98 prescribe minimum standards. The minimum standards apply to all telecommunications carriers, except those standards that specifically reference basic service in high cost areas provided by carriers receiving State or federal universal service fund subsidy and noncompetitive services. Standards that specifically reference basic service in high cost areas provided by carriers receiving State or federal universal service fund subsidy and noncompetitive services do not apply to fully competitive and partially competitive services, provided that:

- (1) The provider of any such fully competitive or partially competitive services establishes its own standards; and
- (2) The commission, if it deems it appropriate and in the public interest, may require the provider of fully competitive or partially

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competitive services to observe the minimum standards.

(b) Failure to comply with the standards set forth in the carrier's tariff or the standards provided in §§6-80-94 to 6-80-98, or otherwise to maintain acceptable level of service, may constitute grounds to revoke a carrier's CPCN or COA. Service failures may also be considered in arriving at a proper equity return for carriers receiving State or federal universal service fund subsidy for providing basic service in high cost areas, and for providers of noncompetitive services, and may result in further action as the commission deems appropriate.

(c) The commission may, on a periodic basis or from time to time, require a carrier to file with the commission service quality performance reports, detailing the carrier's compliance history. When filed, the carrier shall serve a copy of any such reports on the consumer advocate.

[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-8, 269-34 to 43)

§6-80-94 Service installation. (a) Except as provided in subsection (b), a telecommunications carrier shall respond to a customer's request for service as quickly as practicable. For basic service in high cost areas provided by carriers receiving State or federal universal service fund subsidy and for noncompetitive services, the minimum standards are:

- (1) Complete installation of service within three days of the receipt of a request in ninety per cent of the requests for basic service;
- (2) Complete installation of service within thirty days of the receipt of a request in ninety-five per cent of all other requests for service; and
- (3) Meet installation date commitments in ninety per cent of all service order requests,

except where the carrier is unable to meet its commitment due to customer-caused delays and causes beyond the reasonable control of the carrier.

(b) A request for a new service requiring line extension or the construction of facilities shall be filled within ninety days of the receipt of the request, unless a delay is unavoidably caused by the unavailability of materials or other situations beyond the reasonable control of the carrier. "Line extension" and "construction of facilities," as used in this subsection, include facility placements for which a permit is required, but do not include drop wires less than three hundred feet in length that connect the carrier's distribution facility to the customer's premises.

(c) If a line extension is required or if facilities are not available, the carrier shall inform the customer within ten days of the receipt of an application for service of the estimated completion date.

(d) If completion of installation is delayed for a number of requests for telecommunications service due to a shortage of facilities, upon the completion of the facilities the carrier shall give priority to furnishing those services that are essential to public health and safety. In cases of prolonged shortage or emergency, the commission may require the carrier to establish a priority plan, subject to the commission's approval, for clearing held orders.

(e) The carrier shall tariff any line extension policy.

(f) On a quarterly basis, as specified by the commission, the carrier shall file a report with the commission of all applications for service not met within the time periods specified in the carrier's tariff or in subsections (a) and (b). Repeated delays in providing service, except delays caused by the customer or by factors beyond the reasonable control

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of the carrier, may constitute grounds for the revocation of the carrier's CPCN or COA.

[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-95 Disruption of service. (a) If service is disrupted, a telecommunications carrier shall make all possible efforts to reestablish service in the shortest time practicable with due regard to safety. For basic service in high cost areas provided by carriers receiving State or federal universal service fund subsidy and for noncompetitive services, the minimum standards are:

- (1) Clearing ninety-five per cent of all out-of-service troubles within twenty-four hours of the time such troubles are reported;
- (2) Averaging no greater than six customer trouble reports per one hundred local access lines in an exchange area per month; and
- (3) Meeting ninety per cent of the repair date commitments.

(b) If service is to be interrupted for scheduled repairs or maintenance, or if the occurrence of an interruption in service is otherwise known to the carrier, the carrier shall promptly notify its affected customers and, as appropriate, fire and law enforcement agencies, before the interruption occurs. Repair and maintenance work shall be performed at a time that will cause the least inconvenience to its customers.

(c) If a national emergency or local disaster occurs, resulting in the disruption of normal telecommunications service, the carrier may temporarily interrupt service to its customers to provide necessary service to civil defense or other emergency service agencies until normal service to these agencies can be restored.

(d) The carrier shall maintain an accurate record of trouble reports made by its customers. The

record must include the identity of the customer or service affected, the time, date, and nature of the report, the action taken to clear the trouble, and the date and time the trouble was cleared or other disposition was made of the trouble report. The carrier shall make the record available to the commission and the consumer advocate at any time upon request. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-96 Answering calls. A telecommunications carrier shall answer calls promptly. For basic service in high cost areas provided by carriers receiving State or federal universal service fund subsidy and for noncompetitive services, the minimum standards are:

- (1) Answering eighty-five per cent of all calls made to the carrier's repair service department or business office within twenty seconds; and
- (2) Answering eighty-five per cent of all calls to interisland toll operators and directory assistance operators within ten seconds.

Answering time is the time it takes for an operator, service representative, or an automated system to accept information and process the call or service request. Any time spent branding the call or requiring the consumer to navigate a voice menu is included as part of the answering time.

[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-97 Transmission requirements. A telecommunications carrier shall maintain its transmission facilities at adequate volume levels and free of excessive distortion. At a minimum, a telecommunications carrier shall design and maintain its facilities to achieve the following levels:

§6-80-97

- (1) Design to 8.5 dB customer line loss and maintain at no more than 10 dB line loss. A carrier without interoffice facilities shall design to no more than 9 dB customer line loss; and
- (2) Design customer line to 25 dBrnC noise and maintain at no more than 30 dBrnC noise.
[Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-98 Call completion. A telecommunications carrier shall provide prompt call completion. For basic service in high cost areas provided by carriers receiving State or federal universal service fund subsidy and for noncompetitive services, the minimum standards are:

- (1) Maintain dial tone delay to less than three seconds in ninety-eight per cent of all calls; and
- (2) Complete ninety-seven per cent of all correctly dialed local and interisland calls. [Eff] (Auth: HRS §§269-6, 269-34 to 43) (Imp: HRS §§269-34 to 43)

§6-80-99 Rates and special charges information.
A telecommunications carrier shall:

- (1) Upon a customer's request, provide explanations of its rates, charges, and provisions applicable to telecommunications service furnished or available under its tariffs;
- (2) Notify a residential customer of any service connection charge before the charge is incurred;
- (3) Notify a customer of any special charges not specifically stated in the carrier's tariff that may be assessed the customer, such as